

**In The Matter Of:**  
*United States vs.*  
*PFC Bradley E. Manning*

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*Vol. 31*  
*August 8, 2013*  
*UNOFFICIAL DRAFT - 8/8/13 Morning Session*

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VOLUME XXXI

IN THE UNITED STATES ARMY

UNITED STATES

VS.

MANNING, Bradley E., Pfc. COURT-MARTIAL

U.S. Army, xxx-xx-9504

Headquarters and Headquarters Company,

U.S. Army Garrison,

Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

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The Hearing in the above-titled matter was

held on Thursday, August 8, 2013, at 9:34 p.m., at

Fort Meade, Maryland, before the Honorable Colonel

Denise Lind, Judge.

DISCLAIMER

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1    **APPEARANCES:**

2  
3                    **ON BEHALF OF GOVERNMENT:**

4                    **MAJOR ASHDEN FEIN**

5                    **CAPTAIN JOSEPH MORROW**

6                    **CAPTAIN ANGEL OVERGAARD**

7                    **CAPTAIN HUNTER WHYTE**

8                    **CAPTAIN ALEXANDER von ELLEN**

9  
10                   **ON BEHALF OF ACCUSED:**

11                   **DAVID COOMBS**

12                   **CAPTAIN JOSHUA TOOMAN**

13                   **MAJOR THOMAS HURLEY**

1 PROCEEDINGS,

2 THE COURT: Court is called to order.

3 Major Fein, please account for all parties.

4 MR. FEIN: Yes, Ma'am. All parties in the  
5 Court when Court last recessed are again present, with  
6 the one exception Captain von Ellen is absent. Captain  
7 Morrow is present.

8 Also, Ma'am, this is an unclassified open  
9 session. The Court Security Officer completed an open  
10 hearing checklist that will be followed in closed trial  
11 and highlight papers.

12 As of 0923 this morning, Ma'am, there are  
13 seven members of the media in the Media Operation  
14 Center, one stenographer, there are no media in the  
15 courtroom, three spectators in the courtroom. And  
16 although the overflow trailer is available, it is not  
17 currently being used.

18 Also, Ma'am, in the closed session  
19 yesterday the United States remarked what was  
20 previously marked as Appellate Exhibit 642, which was  
21 the classified version of the Government's response to

1 Defense objections in the RCM 1001(b)(4) for Major  
2 Nagata and Colonel Chesnutt. It was previously marked  
3 as Appellate Exhibit 642. It is now remarked as 642  
4 Alpha. And the united States has created an  
5 unclassified and redacted version and that's been  
6 marked as Appellate Exhibit 642 Bravo.

7 THE COURT: All right. Thank you. Is that  
8 the only new Appellate Exhibit that's been added?

9 MR. COOMBS: Other than the Court's order,  
10 yes, Ma'am.

11 THE COURT: And if I understand correctly,  
12 I met with counsel at an RCM 802 Conference briefly  
13 before we came on record today. Defense advised that  
14 the objections from yesterday have been given to the  
15 Government. The Government at this point has not yet  
16 compiled them in accordance with the procedures that we  
17 had. And that's going be done today; is that correct?

18 MR. FEIN: Yes, Ma'am. That will be done  
19 this morning.

20 THE COURT: We were scheduled to hear a  
21 witness this morning. What is the status?

1                   MR. FEIN: Ma'am, the United States no  
2 longer intends to call that witness any longer, so what  
3 we have done is brought this afternoon's witness in  
4 earlier to allow the Defense to question or meet with  
5 the witness beforehand to accelerate today's schedule.

6                   THE COURT: My understanding is the parties  
7 have conferred and have come up with a mutually  
8 agreeable schedule for today?

9                   MR. FEIN: Yes, Ma'am. The United States  
10 proposes after we recess this Court, Defense meets with  
11 that witness and then the Court -- we come back on the  
12 record at noon to start the first witness of the day.

13                  THE COURT: At 12:00?

14                  MR. FEIN: Yes, Ma'am.

15                  THE COURT: And does the Government States  
16 anticipate going into a closed session with that  
17 witness?

18                  MR. FEIN: At this present time, no, Ma'am,  
19 the United States does not.

20                  CAPTAIN TOOMAN: May we confer. We may  
21 have no objection to it.

1                   THE COURT:   Okay.   Is there anything else  
2 we need to address before we recess the Court until  
3 12:00?

4                   MR. FEIN:   No, Ma'am.

5                   THE COURT:   Court is recessed until 12:00.

6                   (Court recessed at 9:34, to reconvene at  
7 12:00 noon.

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